

**ENTERED**

April 09, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

CRISTHIAN OSORNIO,

Petitioner,

VS.

THE UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:20-CV-00038

**ORDER ADOPTING REPORT AND RECOMMENDATION**

In March of 2020, Petitioner Cristhian Osornio filed a motion to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255, alleging that the Government breached the plea agreement in his case and that he received ineffective assistance of counsel by his appellate counsel, who filed an *Anders* brief stating that he believed there were no nonfrivolous grounds on which to appeal. (Doc. 1, 4–5) Osornio represents himself.

In March 2021, the United States Magistrate Judge issued a Report and Recommendation recommending that the motion to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255 be denied as meritless. (Report and Recommendation, Doc. 6, 9) Osornio did not file objections to the Report and Recommendation.

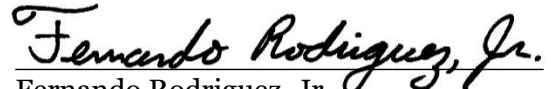
As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 6). It is:

**ORDERED** that Petitioner Cristhian Osornio’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) is **DENIED AS MERITLESS**.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Osornio fails to make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

The Clerk of Court is directed to close this matter.

Signed on April 9, 2021.

  
Fernando Rodriguez, Jr.  
United States District Judge